

# United States District Court

WESTERN DISTRICT OF WASHINGTON

ZURICH AMERICAN INSURANCE COMPANY,  
an Illinois corporation  
PLAINTIFFS

v.

R. L. ALIA COMPANY, a Washington  
corporation; A.B. NAPIER and BEATRICE  
NAPIER, husband and wife,

DEFENDANTS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C08-5284FDB

\_\_\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

(1) Zurich American Insurance Company's Motion for Summary Judgment [Dkt. # 13] is GRANTED;

(2) R. I. Alia Company's Motion for Summary Judgment [Dkt. # 18] is DENIED;

(3) Zurich American has no duty to defend or indemnify R. L. Alia Company with respect to claims raised in the underlying Superior Court action, *Napier v. R. L. Alia Co.*, Pierce County Superior Court No. 07-2-07344-8, and Zurich American is entitled to be reimbursed by R.L. Alia Company for any amounts paid by Zurich American to defend it in the *Napier* action.

(4) The Clerk shall enter judgment for Zurich American according to this Order and this cause of action is DISMISSED.

April 8, 2009

BRUCE RIFKIN  
Clerk

/s/ Pat LeFrois

Deputy Clerk